Turning first to the rejection based upon the doctrine of judicially created obviousness-type double patenting, it is noted that the outstanding rejection is based upon the assertion at the top of page 3 of the outstanding Action that "the context of the claimed invention is the same as the context of the cited claims" of the two patents. However, there is no judicial authority for rejections based upon such mere "context." Instead, and as clearly explained in MPEP § 804, a proper obviousness-type double patenting rejection is analogous to a proper 35 U.S.C. § 103 rejection and the *Graham* criteria noted at the top of page 800-118, lefthand column, should be set forth.

Thus, this section of the MPEP requires Examiners to (1) set forth the differences between the subject matter of at least one claim of the patent and that of at least one claim of this application, and (2) the reasons why a person of ordinary skill in the art would have concluded that the invention defined in the application claim <u>was an obvious variation of the invention defined in the patent claim</u>, without the use of the disclosed but unclaimed subject matter of the patent being used as prior art. Nowhere do the guidelines provide that an Examiner may make a rejection based upon "context" of a claimed invention, whatever that term may be taken to mean. Instead, the MPEP clearly requires the Examiner to address the differences between the claims of the patents relied on and the claims of the instant application and to address these differences in claimed subject matter relative to obviousness without the use of any disclosed but unclaimed subject matter of the patents. As this required form of rejection has not been used, the rejection is traversed as being clearly improper.

Turning to the rejection of Claims 1, 3, 5, 7, 9, and 11 as being unpatentable over <u>Morse</u> in view of <u>Matsui</u>, it is noted that each of these claims has been amended to emphasize that it is the terminals that are used to create an interpretation node which must include data that defines at least some or one of the movement parameters associated with the virtual

living object associated with that terminal. In addition, Claims 1, 5, 9, and 11 require the interpretation node data be used with the claimed management node to control at least one movement of the virtual living object in the virtual community space.
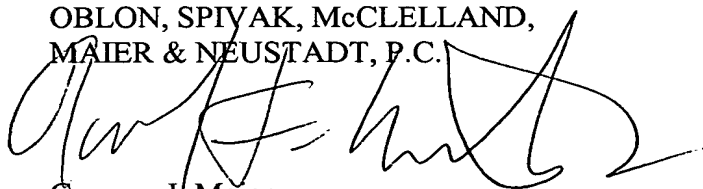
Neither Morse nor Matsui teach or suggest the generation of the claimed movement interpretation node that will define at least one aspect of the movement of the virtual living object of that terminal. These references also do not teach or suggest the that a server is to provide a management node that will use interpretation node data to actually manage the movement of a virtual living object in a virtual community space. Accordingly, the rejection of Claims 1, 3, 5, 7, 9, and 11 over the teachings of Morse taken with those of Matsui is respectfully traversed.

Turning to the rejection of Claims 2, 4, 6, 8, and 10 over Morse in view of Matsui in further view of Falacara, this rejection is also traversed as Falacara cures none of the above-noted deficiencies of Morse and/or Matsui. In this regard, to whatever extent that Falacara includes a parameter indicative of an initial state for a virtual reality object, this has nothing to do with the claimed subject matter noted above. Accordingly, the rejection of Claims 2, 4, 6, 8, and 10 is likewise traversed.

In light of the foregoing, it is believed that no other issues remain outstanding in this application, such that it is also believed that this application is clearly in condition for formal allowance. Accordingly, an early and favorable action to this effect is, therefore, respectfully requested.

Respectfully submitted,

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IN THE CLAIMS

--1. (Amended) An information processing system [in which] including:

a server [and a terminal are]:

a network; and

plural terminals each configured to be connected to [each other] the server via [a] the network[;],

wherein the server provides data defining a virtual community space accessible from [a plurality of such] each of the terminals [is built;], [and]

wherein each of the terminals provides a movement interpretation node configured to set forth parameters needed for interpretation of the movement of [a] an associated virtual living object based upon user input [at each of the terminals;] and to provide the movement interpretation node to the server via the network, and

wherein the server provides a management node [for the] configured to determine at least some movements for each virtual living object in the virtual community space based on the movement interpretation node received from each terminal [is provided at the server].

2. (Amended) The information processing system as set forth in Claim 1, wherein[:]

the movement interpretation node parameters [includes] include at least a parameter indicative of [at least the] a structure of the virtual living object; and

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the management node for the virtual living object manages at least the action of the virtual living object in the virtual community space based on the <u>movement interpretation node</u> parameters [in the movement interpretation node].

3. (Amended) An information processing method comprising the steps of:

building a virtual living object <u>at a terminal</u>;

<u>determining a movement interpretation node setting forth at least some parameters needed for interpretation of at least some of the movements of the associated virtual living object at the terminal</u>;

connecting [a] <u>the</u> terminal to a server via network;

building a virtual community space based on information supplied from the server; and

transmitting the virtual living object along with [a] <u>the associated</u> movement interpretation node to the <u>server to at least in part manage movement of the associated virtual living object in the</u> virtual community space.

4. (Amended) The method as set forth in Claim 3, wherein the <u>at least some parameters needed for interpretation of at least some of the movements of the associated virtual living object of the</u> movement interpretation node [includes] <u>include</u> a parameter indicative of at least [the] a structure of the virtual living object.

5. (Amended) An information processing method comprising the steps of:

connecting a server to a terminal via a network;

receiving <u>data over the network from the terminal indicating</u> a virtual living object built by the terminal and a movement interpretation node <u>setting forth at least some parameters needed for interpretation of at least some of the movements of the virtual living object node</u>; and

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generating a management node for <u>determining at least one movement of</u> the virtual living object in a virtual community space based on the movement interpretation node <u>being received</u>.

6. (Amended) The method as set forth in Claim 5, wherein:

the movement interpretation node includes [a] <u>at least one</u> parameter indicative of at least [the] <u>a</u> structure of the virtual living object; and

the management node for the virtual living object manages at least the action of the virtual living object in the virtual community space based on the <u>at least one</u> parameter [in the movement interpretation node].

7. (Amended) An information processing apparatus comprising:

means for building a virtual living object <u>at a terminal and determining an associated movement interpretation node setting forth at least some parameters needed for interpretation of at least some of the movements of the virtual living object</u>;

means for connecting [a] <u>the</u> terminal to a server via a network;

means for building a virtual community space based on information from the server; and

means for transmitting the virtual living object along with the <u>associated</u> movement interpretation node to the <u>server to at least in part manage movement of the associated virtual living object in the</u> virtual community space.

8. (Amended) The apparatus as set forth in Claim 7, wherein the movement interpretation node includes <u>at least one</u> [a] parameter indicative of at least [the] a structure of the virtual living object.

9. (Amended) An information processing apparatus comprising:

means for connecting [a server] to a terminal via a network;

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means for receiving <u>terminal transmitted data from the network</u> [a virtual living object

built by the terminal and a movement interpretation node]; and

means for generating a management node for <u>managing at least one movement of</u>

[the] <u>a</u> virtual living object in a virtual community space based on [the] <u>a</u> movement

interpretation node <u>being received as part of said terminal transmitted data,</u>

<u>wherein the terminal transmitted data indicates the virtual living object and the</u>

<u>associated movement interpretation node setting forth at least some parameters needed for</u>

<u>interpretation of at least some of the movements of the virtual living object.</u>

10. (Amended) The apparatus as set forth in Claim 9, wherein:

the movement interpretation node includes [a] <u>at least one</u> parameter indicative of at

least [the] <u>a</u> structure of the virtual living object; and

the management node for the virtual living object manages at least the action of the

virtual living object in the virtual community space based on the <u>at least one</u> parameter [in

the movement interpretation node].

11. (Amended) An information [serving] medium for [serving] <u>carrying</u> a computer

program comprising the steps of:

<u>extracting</u> [interpreting] <u>data defining</u> at least [the] <u>a</u> structure of a virtual living

object built [as one which can be provided] <u>for</u> movement in a virtual community space;

communicating [with] <u>the extracted data to</u> a master [managing mechanism which

manages] <u>manager configured to manage</u> the <u>movement of the</u> virtual living object in the

virtual community space; and

moving the [built life] <u>virtual living</u> object based on <u>the extracted</u> data [generated]

<u>being used</u> by the master [managing mechanism] <u>manager to generate data</u> to control at least

[the] <u>one</u> action of the virtual living object.--